

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Winter  
Supp.

West Group  
Publisher

To authorize, on an emergency basis, the Mayor to enter into discussions with Howard University for the purpose of negotiating for a new hospital on the Public Reservation 13 site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Medical Center Negotiation Emergency Act of 2003".

Sec. 2. (a) The District's existing healthcare infrastructure is inadequate in part because of the uneven distribution of hospitals throughout the city.

Note,  
§ 10-1502

(b) To resolve the inadequacy of the District's healthcare infrastructure described in subsection (a) of this section, the Council encourages the Mayor to begin negotiations immediately with Howard University for the purpose of securing an agreement to construct a new hospital to be known as the National Capital Medical Center on the Public Reservation 13 site in a manner not inconsistent with land use guidelines, notwithstanding any specific acreage limitations, contained in the Master Plan for Reservation 13 Hill East Waterfront as enacted into law by the Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1501 *et seq.*).

Sec. 3. The Mayor shall submit, by January 15, 2004, to the Council, for its approval by act, the agreement, which shall include a provision:

- (1) For a long term lease for land, under District government control, to be made available to Howard University to construct a new hospital;
- (2) For the District to support the financing of the construction of the new hospital;
- (3) That the District shall not manage or operate the new hospital; and
- (4) A statement of the hospital's commitment to serve the underserved.

Sec. 4. Fiscal impact statement.

This legislation has no fiscal impact.

**ENROLLED ORIGINAL**

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-202.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia

Chairman Linda W. Cropp  
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Linda W. Cropp, at the request of the Mayor, introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To approve the Memorandum of Understanding between the Government of the District of Columbia and the Howard University for the development of a new healthcare campus on U.S. Reservation 13.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Medical Center Memorandum of Understanding Approval Act of 2004".

Sec. 2. Pursuant to the National Capital Medical Center Negotiation Emergency Act of 2003, effective on November 25, 2003 (D.C. Act 15-229) the Mayor transmitted to the Council a proposed Memorandum of Understanding between the Government of the District of Columbia and The Howard University, dated January 15, 2004. D.C. Act 15-229 provides that the Mayor shall submit the agreement to the Council "for its approval by act."

Sec. 3. The Memorandum of Understanding between the Government of the District of Columbia and The Howard University, dated January 15, 2004, is approved.

Sec. 4. Fiscal impact statement.

1       The Council adopts the fiscal impact statement in the committee report as the fiscal  
2   impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
3   approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

4       Sec. 6. Effective date.

5       This act shall take effect following approval by the Mayor (or in the event of veto by the  
6   Mayor, action by the Council to override the veto), and a 30-day period of Congressional review  
7   as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
8   24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
9   Columbia Register.

NATIONAL CAPITAL MEDICAL CENTER NEGOTIATION  
EMERGENCY ACT OF 2003

Memorandum of Understanding  
Between the  
Government of the District of Columbia  
and  
The Howard University  
January 15, 2004

This Memorandum of Understanding ("MOU") is entered into as of January 15, 2004 and is made by and between the Mayor of the City of the District of Columbia (the "Mayor"), and The Howard University (the "University").

WHEREAS, The National Capital Medical Center Negotiation Emergency Act of 2003 (Bill #15-546), was enacted by the Council of the District of Columbia (the "Council") on November 4, 2003 and became effective as Act 15-229 on November 25, 2003 (the "Act");

WHEREAS, the Act directs the Mayor to submit to the Council, for its approval by act, an agreement with the University regarding the District's healthcare infrastructure;

WHEREAS, the Act requires that such agreement contain at least four discrete elements; and

WHEREAS, it is the intent of the Parties hereto that this MOU be considered by the Council as the agreement required of the Mayor by the Act.

NOW THEREFORE, the Parties hereto intending to express their mutual understanding as to the status of current and on-going negotiations, hereby state as follows:

1.0 Long Term Lease

- A. The Mayor of the District of Columbia (the "District") shall submit to the Council and the U.S. General Services Administration for approval a 99-year lease for a portion not to exceed nine acres of the land known as U.S. Reservation 13, which the University would build, own and operate as The National Capital Medical Center. The nucleus of the National Capital Medical Center would be a new, full-service, world-class, Trauma Level 1 hospital that would contain between 200-300 beds.

- B. It is understood that the University, in consultation with the Mayor and approval by the District of Columbia and the U.S. General Services Administration, may also develop the following: medical offices for community physicians; a new School of Public Health; and a complex designed to carry out research to improve the quality of healthcare in the District for all its residents – (with support from one or more federal agencies and in partnership with any appropriate private or public research entity)
- C. All leases and development plans shall be subject to applicable District and federal laws.

## 2.0 District Support of Financing

The University and District agree to jointly develop a comprehensive financial analysis report. This report will specifically define all costs related to the development, construction, and operation of The National Capital Medical Center on U.S. Reservation 13.

Based upon this information, The University and the Mayor agree to structure a financing proposal to successfully complete the project.

## 3.0 Management

- A. The District Government shall not manage or operate any part of The National Capital Medical Center but will exercise its applicable police powers and regulatory authority with respect to The National Capital Medical Center and all matters related to it.

## 4.0 Commitment

- A. For more than 140 years the University has been providing leadership in medical education and healthcare. It currently sponsors the only university-owned, not-for-profit, hospital in the area.
- B. The University also has a recent history of successful collaboration with the Government of the District of Columbia to strengthen the District. Several years ago the University and the District joined forces to create The LeDroit Park Initiative, an award-winning public-private partnership that has helped to transform an important part of the District and has become a national model. The University considers The National Capital Medical Center yet another strategic alliance with the District's elected leadership.

## NCMC Memorandum of Understanding

C. It is, therefore, the intent of the University and the overarching goal of The National Capital Medical Center to ensure that all residents of the District have access to high-quality healthcare. Accordingly, the University pledges that the proposed The National Capital Medical Center will be unambiguously committed to serving all citizens of the District through the provision of high-quality healthcare in accordance with both its mission and the intent of the Act.

### 5.0 Effective Date

This MOU shall not be deemed to have any force or effect unless and until it is ratified by action of the University's Board of Trustees and approved by act of the Council.

